

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,
HOLLEE ELLIS, FRANCES HARVEY, and
JEREMY KEEL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS CORP.,
HOMESERVICES OF AMERICA, INC., BHH
AFFILIATES, LLC, HSF AFFILIATES, LLC,
RE/MAX LLC, and KELLER WILLIAMS
REALTY, INC.,

Defendants.

Case No. 19-CV-00332-SRB

**UNOPPOSED MOTION FOR APPROVAL TO WITHDRAW
SETTLEMENT FUNDS TO PAY COSTS OF NOTICE**

On April 23, 2024, the Court granted preliminary approval of the NAR Settlement. Doc. 1460. On August 9, 2024, the Court granted approval of the form of notice. Doc. 1521. Plaintiffs and NAR are currently working to send and publish notice, and they have received an invoice for costs from the notice and claims administrator. Plaintiffs request an order from the Court confirming that Plaintiffs may withdraw funds from the settlement escrow accounts, up to the amounts allowed by the Settlement Agreements, to pay the expected and necessary costs of providing Notice to the Settlement Classes and administration of the Settlements, on an ongoing basis as the costs are incurred. *See, e.g.*, Doc. 1370 (granting similar motion for earlier settlements).

The Settlement Agreement with NAR provides that after preliminary approval of the Settlement and approval of a class notice plan, Co-Lead Counsel may utilize a portion of the Settlement Fund to provide notice of the Settlement to potential members of the Settlement Class.

See, e.g., Doc. 1458-1 at ECF 29, ¶ 42. NAR agreed that it will not object to Plaintiffs' counsel withdrawing from the Settlement Fund to pay the costs for notice. *See id.* The Court's April 23, 2024, order further provides:

"Co-Lead Counsel are, in accordance with the Settlement Agreements, authorized to submit a request as part of the Settling Parties' notice plan to be submitted to the Court to withdraw up to the amounts allowed by the Settlement Agreements out of the Escrow Accounts upon the Court's approval of the notice plan to pay the costs of notice." (Doc. 1460, ¶10)

The parties wish to make payment to the settlement and claims administrator promptly to fund the substantial notice costs on an ongoing basis. Plaintiffs, therefore, respectfully request that the Court grant this motion without delay and authorize the parties to access the set-aside funds from the NAR Settlement escrow account.

DATED: August 14, 2024

Respectfully submitted by:

**HAGENS BERMAN SOBOL SHAPIRO
LLP**

WILLIAMS DIRKS DAMERON LLC

/s/ Jeannie Y. Evans

/s/ Eric L. Dirks

Steve W. Berman (*pro hac vice*)
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
steve@hbsslaw.com

Michael A. Williams MO # 47538
Matthew L. Dameron MO # 52093
Eric L. Dirks MO # 54921
1100 Main Street, Suite 2600
Kansas City, MO 64105
Tele: (816) 945 7110
Fax: (816) 945-7118
mwilliams@williamsdirks.com
matt@williamsdirks.com
dirks@williamsdirks.com

Rio S. Pierce (*pro hac vice*)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
riop@hbsslaw.com

Jeannie Evans (*pro hac vice*)
Nathan Emmons (Mo. Bar. No. 70046)
455 North Cityfront Plaza Drive, Suite 2410
Chicago, IL 60611
Telephone: (708) 628-4949
jeannie@hbsslaw.com

BOULWARE LAW LLC

Brandon J.B. Boulware MO # 54150
Jeremy M. Suhr MO # 60075
1600 Genessee Street, Suite 956A
Kansas City, MO 64102
Tele: (816) 492-2826

nathane@hbsslaw.com

**COHEN MILSTEIN SELLERS &
TOLL PLLC**

Benjamin D. Brown (*pro hac vice*)
Robert A. Braun (*pro hac vice*)
Sabrina Merold (*pro hac vice*)
1100 New York Ave. NW, Fifth Floor
Washington, DC 20005
Telephone: (202) 408-4600
bbrown@cohenmilstein.com
rbraun@cohenmilstein.com
smerold@cohenmilstein.com

Daniel Silverman (*pro hac vice*)
769 Centre Street, Suite 207
Boston, MA 02130
Telephone: (617) 858-1990
dsilverman@cohenmilstein.com

SUSMAN GODFREY L.L.P.

Marc M. Seltzer (*pro hac vice*)
Steven G. Sklaver (*pro hac vice*)
1900 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Telephone: (310) 789-3100
mseltzer@susmangodfrey.com
ssklaver@susmangodfrey.com

Beatrice C. Franklin (*pro hac vice*)
One Manhattan West
New York, New York 10001
Telephone: (212) 336-8330
bfranklin@susmangodfrey.com

Matthew R. Berry (*pro hac vice*)
Floyd G. Short (*pro hac vice*)
Alexander W. Aiken (*pro hac vice*)
401 Union St., Suite 3000
Seattle, Washington 98101
Telephone: (206) 516-3880
mberry@susmangodfrey.com
fshort@susmangodfrey.com
aaiken@susmangodfrey.com

Attorneys for Plaintiffs and the Class

Fax: (816) 492-2826
brandon@boulware-law.com
jeremy@boulware-law.com

KETCHMARK AND MCCREIGHT P.C.

Michael Ketchmark MO # 41018
Scott McCreight MO # 44002
11161 Overbrook Rd. Suite 210
Leawood, Kansas 66211
Tele: (913) 266-4500
mike@ketchmclaw.com
smccreight@ketchmclaw.com

Attorneys for Plaintiffs and the Class